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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,165	01/02/2002	David Alan Burton	TUC920010058US1	7814

24033 7590 06/01/2004  
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EXAMINER

BETIT, JACOB F

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 06/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,165

Applicant(s)

BURTON ET AL.

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b). Section headings are underlined throughout the disclosed specification. Section headings should not be underlined and/or **boldfaced**. Appropriate corrections are required according to the guidelines provided below:
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).

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- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6-8, 19-21, and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, in line 6; claim 19, in line 6; and claim 32, in line 6 recite the limitation "the file corresponding to the file", which renders the claims indefinite because it is unclear as to what file is corresponding to what file. For the purpose of examining, the examiner interprets it to mean: --storing the file corresponding to the metadata at the determined remote storage location--.

Appropriate corrections are required.

Claims 7-8 are rejected for being dependant on rejected dependant claim 6.

Claims 20-21 are rejected for being dependant on rejected dependant claim 19.

Claims 33-34 are rejected for being dependant on rejected dependant claim 32.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 10-14, 23-27, and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Xu et al. (U.S. patent No. 6,324,581 B1).

As to claim 1, Xu et al. teaches a method for controlling and providing access to a file to at least one remote computer over a network (see column 3, lines 61-56), comprising:

maintaining metadata about files maintained at remote storage locations (see column 9, lines 59-63);

receiving a request from the remote computer for a filename of a requested file over the network (see column 10, lines 12-14);

determining from the metadata one remote storage location address associated with the filename where the requested file is located (see column 10, lines 14-17);

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updating the metadata for the requested file (see column 10, lines 14-25); and  
sending the storage location address to the remote computer (see column 10, lines 14-19).

As to claim 10, Xu et al. teaches a method for accessing a file in a source code management system (see column 3, lines 61-65), comprising:

sending a first request for a file (see column 10, lines 12-14);  
receiving a storage location address containing the file in response to the first request (see column 10, lines 14-19);  
sending a second request to the storage location address (see column 10, lines 17-19); and  
receiving an access to the file from the storage location address (see column 10, lines 19-22).

As to claim 14, Xu et al. teaches a system for controlling and providing access to a file to remote computers over a network (see column 4, lines 49-52), wherein remote storage locations are accessible over the network, comprising:

metadata including information about files at the remote storage locations (see column 9, lines 59-63);  
means for receiving a request from one remote computer for a filename of a requested file over the network (see column 10, lines 12-14);

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means for determining from the metadata one storage location address of one remote storage location associated with the filename where the requested file is located (see column 10, lines 14-17);

means for updating the metadata for the requested file (see column 10, lines 14-25); and

means for sending the remote storage location address to the remote computer (see column 10, lines 14-19).

As to claim 23, Xu et al. teaches a system for accessing a file in a source code management system (see column 4, lines 56-60), comprising:

means for sending a first request for a file (see column 10, lines 12-14);

means for receiving a storage location address containing the file in response to the first request (see column 10, lines 14-19);

means for sending a second request to the storage location address (see column 10, lines 17-19); and

means for receiving an access to the file from the storage location address (see column 10, lines 19-22).

As to claim 27, Xu et al. teaches an article of manufacture including code for controlling and providing access to a file at storage locations on a network to at least one remote computer over the network (see column 5, lines 33-36), wherein the code is capable of causing operations comprising:

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maintaining metadata about files maintained at remote storage locations (see column 9, lines 59-63);

receiving a request from the remote computer for a filename of a requested file over the network (see column 10, lines 12-14);

determining from the metadata one remote storage location address associated with the filename where the requested file is located (see column 10, lines 14-17);

updating the metadata for the requested file (see column 10, lines 14-25); and

sending the storage location address to the remote computer (see column 10, lines 14-19).

As to claim 36, Xu et al. teaches a article of manufacture including code for accessing a file in a source code management system (see column 5, lines 39-41), wherein the code is capable of causing operations comprising:

sending a first request for a file (see column 10, lines 12-14);

receiving a storage location address containing the file in response to the first request (see column 10, lines 14-19);

sending a second request to the storage location address (see column 10, lines 17-19); and

receiving an access to the file from the storage location address (see column 10, lines 19-22).



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As to claims 11, 24, and 37, Xu et al. teaches wherein the first request is for checking-out the file, and further comprising: downloading the file from the storage location address (see column 10, 17-19).

As to claims 12, 25, and 38, Xu et al. teaches wherein the first request is for checking-in the file, and further comprising: sending a new version of the file to the storage location address (see column 10, lines 19-25).

As to claims 13, 26, and 39, Xu et al. teaches further comprising: receiving a first response code from a remote computer in response to the first request (see column 10, lines 14-19); and

receiving a second response code from the storage location in response to the second request (see column 10, lines 17-19).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 9, 15, 22, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Whidby et al. (U.S. patent publication No. 2003/0110264 A1).

As to claims 2, 15, and 28, Xu et al. does not teach wherein the remote computer is a source code management system client.

Whidby et al. a remote network source that maintains source code and symbol files, and automatically downloads the files when they are needed (see abstract), in which he teaches wherein the remote computer is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the remote computer is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Whidby et al. because wherein the remote computer is a source code management system client would eliminate the need for the developer to perform version management on the files (see page 1, paragraph 0007).

As to claims 9, 22, and 35, Xu et al. teaches wherein the request is one of check-in, check-out, extract, lock, unlock, delete (see column 10, lines 12-17).

Xu et al. does not teach wherein the remote computer is a source code management system client.

Whidby et al. teaches wherein the remote computer is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the remote computer is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Whidby et al. because wherein the remote computer is a source code management system client would eliminate the need for the developer to perform version management on the files (see page 1, paragraph 0007).

9. Claims 3-5, 16-18, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Enoki et al. (U.S. patent No. 5,873,085).

As to claims 3, 16, and 29, Xu et al. does not teach wherein the storage location address identifies a storage device that is at a geographical location closer to the remote computer than a location of the metadata.

Enoki et al. teaches a file management system in which one server has a management table that gives the location of other servers that contain files (see abstract), in which he teaches wherein the storage location address identifies a storage device that is at a geographical location closer to the remote computer than a location of the metadata (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the storage location address identifies a storage device that is at a geographical location closer to the remote computer than a location of the metadata.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein the storage location address identifies a storage device that is at a geographical location closer to the remote computer than a location of the metadata would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claims 4, 17, and 30, Xu et al. as modified, teaches wherein the request is for checking-out the requested file corresponding to the filename, and further comprising: locking the requested file; returning a response code to the remote computer indicating that file check-out is successful; and updating the metadata indicating that the requested file is checked-out and locked (see Xu et al., column 9, lines 59 through column 10, line 25).

As to claims 5, 18, and 32, Xu et al. as modified, teaches wherein the request is for checking-in the requested file corresponding to the filename, and further comprising: updating the metadata indicating the requested file is unlocked; and returning a response code indicating that the file check-in is successful (see Xu et al., column 10, lines 17-25).

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10. Claims 6-8, 19-21, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Porcar ("File Migration in Distributed Computer Systems", California Univ., Berkeley. Lawrence, Berkeley Lab, copyright © 1982).

As to claim 6, 19, and 32, Xu et al. teaches further comprising:

saving a correspondence between the file and the storage location address in the metadata (see column 9, lines 59-63).

Xu et al. does not teach processing a pattern of requests for the file received from remote computers at different geographical locations;

determining one of a plurality of remote storage locations based on the pattern of requests for the file; and

storing the file corresponding to the file at the determined remote storage location.

Porcar teaches policies of maintaining a single copy of a file in a file management system (see summary), in which he teaches processing a pattern of requests for the file received from remote computers at different geographical locations (see page 89);

determining one of a plurality of remote storage locations based on the pattern of requests for the file; and storing the file corresponding to the file at the determined remote storage location (see page 113, lines 14-16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include processing a pattern of requests for the file received from remote computers at different geographical locations; determining one of a plurality of remote storage locations based on the pattern

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of requests for the file; and storing the file corresponding to the file at the determined remote storage location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Porcar because processing a pattern of requests for the file received from remote computers at different geographical locations; determining one of a plurality of remote storage locations based on the pattern of requests for the file; and storing the file corresponding to the file at the determined remote storage location would be an easy way of optimizing file handling mechanisms (see page 84, lines 17-20).

As to claim 7, 20, and 33, Xu et al. as modified, teaches wherein the determined remote storage location is at a geographical location that is more proximate to the remote computer having more requests for the file than other remote computers (see Porcar, page 91, lines 6-16, and see page 104, lines 2-23).

As to claim 8, 21, and 34, Xu et al. as modified, teaches wherein the determined remote storage location is selected from the plurality of remote storage locations to minimize a distance the requested file is transmitted between each remote computer and the remote storage location based on the number of requests for the file from each remote computer (see Porcar, page 104, line 24 through page 105, line 19).

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***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (703) 305-3735. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfb  
24 May 2004

  
**SAM RIMELL**  
**PRIMARY EXAMINER**